

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JUNE 29, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Late Arrival: Paul J. Escobar arrived at 9:22 a.m. Excused Absence: John F. Cook. Meeting was called to order at 9:09 a.m. and the invocation was given by Reverend Billy R. Williams, followed by the Pledge of Allegiance to the Flag of the United States of America.

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No action was taken on the Discussion of 3-year rabies vaccinations for dogs and cats in the City of El Paso and passage of changes to affected Ordinance(s), as required, for implementation. [Richard Schechter]

Mr. Richard Schechter, citizen, suggested Council take strategic measures to improve the current vaccination system and to advertise/promote the coming three-year rabies vaccination program. He answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy requested Mr. Schechter document his comments. However, the Mayor explained that the El Paso City-County Health District's governing board was independent of the City of El Paso. He recommended Mr. Schechter attend one of those board meeting and raise his concerns with them.

Mr. Mark Everett, Public Health Administrator El Paso City-County Health and Environmental District, clarified that the Department would be introducing a 3-year rabies protocol Ordinance amendment sometime in August.

Representative Rojas requested a draft copy of the proposed Ordinance amendment from Mr. Everett.

Mr. Schechter suggested that the 3-year rabies protocol mimic, for example, annual vehicle registration renewals that can be issued by mail.

Mr. Everett concurred with Mr. Schechter's comment and explained that the Health Department would be implementing an automated system in the near future.

Mr. James Kluetz, Animal Shelter Advisory Committee member, explained that the El Paso City-County Health and Environmental District had appointed a Protocol Committee for the 3-year rabies program and that the Committee, consisting of six veterinarians and other appointed individuals, was currently reviewing the applicable City ordinances.

Ms. Lisa Turner, citizen, spoke in opposition to amending the Ordinance language to 3-year rabies vaccinations on the grounds that the Council would be endangering the health and safety of the citizens of El Paso.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the Minutes for Regular City Council Meeting of May 6, and May 13, 2003, and June 22, 2004.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week the approval of the Minutes for the Regular City Council Meetings of June 2, and June 8, 2004.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to excuse absent City Council Member John F. Cook from the June 29, 2004 Regular City Council Meeting.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That the Mayor be authorized to sign the Airport Display Agreement with Raceelpaso, LLC, providing for the display of a race show car at the El Paso International Airport.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the October 28, 2003, Contract (part of the Arts and Culture Department's Alfresco! Fridays Concert Series) between the City and Lorenzo Guel, as representative for the artist, CEIBA, to reflect the change of representatives to Jena Camp and the change of performance location from Arts Festival Plaza to Convention Center Plaza. There are no further changes to the Contract.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a letter consenting to the sale of alcohol by the Juvenile Diabetes Research Foundation for consumption on the premises at the 2004 Downtown Street Festival. The Festival will take place beginning at 6:00 p.m. on July 3 and continuing until 1:00 a.m. on July 4, 2004, and beginning at 6:00 p.m. on July 4 and continuing until 1:00 a.m. on July 5, 2004, on the following City-owned property or public right-of-way: the El Paso Convention Center Plaza, Santa Fe Street between Franklin Avenue and San Antonio Avenue, and San Francisco Avenue between El Paso Street and Santa Fe Street.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Attorney be authorized to sign a Letter of Engagement between the City of El Paso and Norman J. Gordon, Attorney at Law, with Mounce, Green, Myers, Safi & Galatzan, a Professional Corporation to consult with the City on all aspects relating to the matter of the STATEMENT OF INTENT TO CHANGE RATES BY TEXAS GAS SERVICE COMPANY UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM AND REQUEST TO RECOVER COSTS IN PROMOTING ECONOMIC DEVELOPMENT.

Representative Lozano questioned Ms. Lisa Elizondo, City Attorney, as to why there was no cap in the Letter of Engagement.

Representative Cobos questioned Ms. Elizondo why this Letter of Engagement was placed on the agenda by Legal before the Council had decided on any actions they were going to take regarding the request to change rates from the Texas Gas Service.

Mr. Norman Gordon, Mayor Joe Wardy, and Ms. Elizondo commented on the proposed sequence of events.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the above resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director or Registrar of the El Paso Museum of Art be authorized to sign an Incoming Loan Agreement for an annually renewable loan from Holly and Sanford Cox of a painting by early El Paso artist Eugene Thurston, *Desert Sunset*, Oil on canvas board, 16" x 20", 24" x 28" framed, value \$3,500.00. June 2004 through June 2005. There are no costs attached to this loan.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JOSE R. ALANIZ**, to assist the El Paso Water Utilities as a Geographic Information Systems Technician at an hourly rate of \$13.18 for 40 hours per week. The term of the contract shall be for the period of June 30, 2004 through June 29, 2005.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **DORADO ENGINEERING, INC.**, for a project known as "**MONTOYA HEIGHTS, PHASE I AND PHASE II**" for an amount not to exceed THREE HUNDRED SEVENTY THOUSAND ONE HUNDRED ONE AND 00/100 DOLLARS (\$370,101.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **QUANTUM ENGINEERING CONSULTANTS, INC.**, for a project known as “**Indian Place, Wenda Way and Bowen Drive Street and Drainage Improvements**”, in an amount not to exceed **TWO HUNDRED EIGHTY THOUSAND NINETY AND 33/100 DOLLARS (\$280,090.33)**.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso approves the participation by the El Paso Fire Department in the Independence Day Parade to be held by the Rotary Club of West El Paso on July 3, 2004 by providing a 1948 Mack Fire Engine as an entry in the parade.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Luis Hernandez covering an exhibit of “Fossils and Related Materials” at the Ysleta Branch of the El Paso Public Library System for the period of July 1 through 31, 2004. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Fred Morales covering an exhibit of the “History of Casas Grandes, Chihuahua” at the Irving Schwartz Library Branch of the El Paso Public Library System for the period of July 1 through 31, 2004. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Public Library (“the Library”) be authorized to sign the Costume Appearance Agreement with Candlewick Press, for the loan of a “Maisy” walk-about character costume from August 19 through August 30, 2004. The costume shall be used for programs at all libraries during such time period. The cost to the Library is \$120, which includes shipping and handling costs.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Public Library (“the Library”) be authorized to sign the Costume Appearance Agreement with Penguin Putnam, for the loan of a “Corduroy Bear” walk-about character costume from September 9 through September 20, 2004. The costume shall be used for programs at all libraries during such time period. The cost to the Library is \$120, which includes shipping and handling costs.

*RESOLUTION APPROVING THE USE OF FUNDS OF THE
CITY OF EL PASO PROPERTY FINANCE AUTHORITY, INC.
TO PROVIDE CLOSING COST AND/OR DOWN PAYMENT
ASSISTANCE IN CONNECTION WITH THE EL PASO
HOUSING FINANCE CORPORATION=S 2004 SINGLE
FAMILY MORTGAGE REVENUE BOND PROGRAM.

WHEREAS, the City Council of the City of El Paso created the City of El Paso Property Finance Authority, Inc. to benefit the City of El Paso, Texas, in furtherance of its public purposes; and

WHEREAS, the City of El Paso Property Finance Authority, Inc. (the AIssuer@) previously issued, on June 30, 1992, its Single Family Mortgage Revenue Bonds (GNMA Mortgage-Backed Securities Program), Series 1992 (the ABonds@), in the aggregate principal amount of \$14,170,000, in order to provide for the purchase of the GNMA Certificates from the El Paso Housing Finance Corporation, and thereby provide for the refunding and redemption of the El Paso Housing Finance Corporation=s Single Family Mortgage Revenue Bonds (GNMA Mortgage-Backed Securities Program), Series 1987, which bonds were issued to assist persons of low and moderate income within the City of El Paso, Texas, to afford the costs of acquiring and owning decent, safe, and sanitary housing) (the original lending program, together with the refunding transaction, is collectively referred to herein as the AProgram@); and

WHEREAS, the Bonds were issued pursuant to a Trust Indenture dated as of June 1, 1992 (the AIndenture@), by and between the Issuer and JPMorgan Chase Bank (as successor to Texas Commerce Bank-El Paso, National Association), as trustee (the ATrustee@); and

WHEREAS, the utilization of any proceeds of such a redemption are limited to only assist persons of low and moderate income within the City of El Paso, Texas, to afford the costs of acquiring and owning decent, safe, and sanitary housing; and

WHEREAS, the programs of the El Paso Housing Finance Corporation, are specifically directed to the purpose of assisting persons of low and moderate income within the City of El Paso, Texas, to afford the costs of acquiring and owning decent, safe, and sanitary housing; and

WHEREAS, the programs of the El Paso Housing Finance Corporation further the public purposes of the City through its programs; and

WHEREAS, the Articles of Incorporation of the City of El Paso Property Finance Authority, Inc. provide for the use of the funds of the El Paso Property Finance Authority, Inc. for the City and others in programs or activities that are from time to time approved by ordinance or resolution duly adopted by the City Council of the City of El Paso; and

WHEREAS, the City Council finds that the use of the proceeds of the sale of the GNMA certificates after the redemption of the Bonds in the form of down payment and/or closing cost assistance in connection with the proposed 2004 Single Family Mortgage Revenue Bond Program of the El Paso Housing Finance Corporation will serve the governmental and public purposes of the City of El Paso by providing assistance to persons of low and moderate income to acquire and own decent, safe, sanitary, and affordable housing.

NOW THEREFORE be it resolved by the City Council of the City of El Paso,

1. That use of funds of the City of EL Paso Property Finance Authority, Inc. to provide down payment and/or closing cost assistance to first time home buyers and other qualified borrowers in connection with the 2004 Single Family Mortgage Revenue Bond Program is part of and consistent with the public purposes and governmental programs of the City of El Paso.

2. The use of Funds of the City of El Paso Property Finance Authority, Inc. to provide down payment and/or closing cost assistance to qualified first time home buyers is approved.

*RESOLUTION

WHEREAS, Regent Communications- El Paso has proposed to have a fireworks display as part of the organization's annual events scheduled for the El Paso Downtown Street Festival; and

WHEREAS, Regent Communications- El Paso has secured the proper permits and licenses from the El Paso Fire Department and the El Paso Building Permits and Inspections Department for such fireworks display, including the addition of the City of El Paso as an additional insured on all required insurance certificates; and

WHEREAS, pursuant to the International Fire Code, permission is required to be granted by all affected owners near or around any proposed fireworks display; and

WHEREAS, the City of El Paso, as Owner of the Convention Center, City Hall, the El Paso Museum of Art, the property on which the former Golden Age Center was located and other area properties, is an affected owner, pursuant to the International Fire Code;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Regent Communications- El Paso be authorized to stage fireworks displays in the East parking lot of City Hall on July 3rd and 4th, 2004, as part of the events scheduled for the organization's El Paso Downtown Street Festival; and that the Mayor be authorized to sign any related documentation, approving of such fireworks display, as an affected owner.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JOEL R. HILL**, to assist the Parks and Recreation Department as a Indoor Pool Manager at an hourly rate of \$8.00 for 40 hours per week. The term of the contract shall be for the period of June 30, 2004 through August 31, 2004.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contract on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council.

MULTI-PURPOSE CENTER

DEPARTMENT ID: 51510032, ACCOUNT 502214

1. CONTRACTOR: Martha Castillo, Ballet Instructor
 DATES: June 30, 2004 through August 31, 2004
 RATE PER CL: \$9.00
 MAXIMUM AMT: \$198.00
 CONTRACT: **2003/2004-161**

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contract on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council.

NORTHEAST RECREATION CENTER

DEPARTMENT ID: 51510107, ACCOUNT: 501011

1. **CONTRACTOR:** Andre Luther, Instructor Aide, Step 2
DATES: June 30, 2004 through August 31, 2004
RATE PER HR: \$5.60
CONTRACT NO: **2003/2004-289**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. **CONTRACTOR:** Javier Carreno, Lifeguard, Step 2
DATES: June 30, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-290**
2. **CONTRACTOR:** Rigoberto Lezama, Senior Lifeguard, Step 2
DATES: June 30, 2004 through September 30, 2004
RATE PER HR: \$6.80
CONTRACT NO: **2003/2004-291**
3. **CONTRACTOR:** Kyle M. Quagliato, Lifeguard, Step 2
DATES: June 30, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-292**
4. **CONTRACTOR:** Elma M. Rivas, Pool Attendant, Step 3
DATES: June 30, 2004 through September 30, 2004
RATE PER HR: \$5.80
CONTRACT NO: **2003/2004-293**
5. **CONTRACTOR:** Daniel Vasquez, Lifeguard, Step 2
DATES: June 30, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-294**

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **LUIS M. GUERRA**, to assist the Police Department as a HIDTA Fiscal Administrator at an hourly rate of \$15.48 for 40 hours per week. The term of the contract shall be for the period of June 30, 2004 through December 31, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **GEORGE PEEL** as an Airframe and Powerplant Mechanic for the Police Department's Air Support Unit for the period of July 3, 2004 through July 2, 2005 at the rate of \$32.32 per hour not to exceed a maximum of 1300 hours. The amount of contract shall not exceed \$42,016.20 per year.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract between the **CITY OF EL PASO** and **ESTELLA GONZALEZ SHAW**, to assist the Police Department as a Crime Victim Services Supervisor, at a biweekly rate of \$1,157.60, for 40 hours per week. The term of the contract shall be for the period of June 30, 2004 through August 31, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit an on-line grant application in the amount of \$80,000.00 from the U.S. Department of Justice for the City of El Paso Police Department for a federal grant from the Paul Coverdell Forensic Science Improvement Grant Program to improve the quality and timeliness of forensic science and medical examiner services, and be authorized to sign any necessary, related documents. No matching funds are required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
1188 Hawkins Boulevard	\$ 86.06	\$ 0.14	\$ 86.20

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
5728/5730/5734 Alameda Avenue	\$ 320.42	\$ 144.09	\$ 464.51

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
100 Block Keeney	\$ 51.16	\$ 40.78	\$ 91.94

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with EL PASO HEART & VASCULAR CLINIC, P.A. to provide One (1) Thirty two (32) gallon Container for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to the Agreement with the DEL NORTE TITLE, L.L.C. to lend One (1) additional 32 gallon bin, for a total of three (3) 32 Gallon Containers, and Nine (9) 8 Gallon Baskets for a service fee of \$5.00 per location for each month in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MARCIA TIRRES**, to assist the Zoo as a Zoo Commissary & Hospital Aide at an hourly rate of \$8.33 for 20 hours per week. The term of the contract shall be for the period of June 30, 2004 through September 30, 2004.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to appoint Carole A. Hunter to the Art Museum Advisory Board by Representative John F. Cook.

Between 109 and 113 Oriole Estimated cost is \$899.

- A. PID #C340-999-0460-3700 \$224.74 per month installments on a balance of \$2,696.88 for 2003 taxes; Maria D. C. Aguirre – 7016 Villa Hermosa.
- B. PID #H752-003-0190-0070, \$425.46 per month installments on a balance of \$2,552.76 for 2003 taxes; Mario Vizcarra – 14572 Bradley.
- C. PID #M348-999-0010-0450, \$315.73 per month installments on a balance of \$3,788.76 for 2002 taxes; Antonio & Lillana Contreras – 143 Alto Mesa #A.
- D. PID #S102-999-0070-0100, \$175.44 per month installments on a balance of \$3,157.92 for 2003 taxes; Jesus & Irma Cervantes – 7166 El Cajon Dr.
- E. PID #S812-999-0170-1900, \$208.32 per month installments on a balance of \$2,291.52 for 2003 taxes; Maria P. Arreola - 12376 Robert Dahl.

Irma W. Oppenheim in the amount of \$5,813.74, overpayment of 2003 taxes.
(PID #C801-999-0240-5900)

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the request for approval that the Director of Purchasing issue a purchase order to Ralph Sellers and Associates in the amount of \$1,500.00 for appraisal services for the property locate on Pine Springs, Lots 24 through 28, Block 1, Vista Commercial Park, El Paso, El Paso, County, Texas, PID V867-999-0010-2400. This property is being considered for the location of Fire Station 35, approved by voters in February's 2004 election.

Change Order No. Two (Construction Change) for an increase in the amount of \$15,267.18. The purpose of this change order is to (1) Laminate CMU wall surfaces in meeting room; (2) Haul in water to continue with site construction.

Change Order No. Three (Construction Change) for an increase in the amount of \$22,450.10. The purpose of this change order is to (1) Add R-19 insulation to "saddle" section of roof; (2) Replace three hollow metal doors in lieu of aluminum doors; (3) Align four dog face ornamentation with wood columns; (4) Place livestock sealer in animal areas in lieu of standard floor sealer; (5) Delete standard floor sealer.

Change Order No. Four (Construction Change) for an increase in the amount of \$229,538.00. The purpose of this change order is to add the following Alternates: No. 8 Animal Holding Cages; No. 7 Rock Wall; No. 2 Millwork and Cabinetry.

Additionally, it is requested that the Mayor be authorized to execute budget transfers for this project as necessary.

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*Motion made Representative Cobos, seconded by Representative Cushing and unanimously carried to approve Change Order No. Seven (Construction Change) to J.A.R. Concrete, Inc. for "Rehabilitation of Stanton Street Bridge and Santa Fe Bridge project" for an increase amount of \$14,072.00. The purpose of this change order is to seal the existing expansion joints on the bridge deck at the following bents of the Stanton Street Bridge in accordance with the Repair Types "F" and "H", in the contract and details of the plans:

1. The west sidewalk expansion joint on bent # 7.
2. The entire expansion joint on bent # 3. This includes both the East and West sidewalks and the entire width of the bridge deck.

This change order also adjusts the planned quantities for Repair Type X-3 to account for the actual amount of work performed and measured in place. The total cost includes traffic control and mobilization.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-176 Janitorial Services El Paso Fire Departments Maintenance Shop, Communications and Fire Marshall's Office

Award to:	Professional Building Maintenance Services El Paso, TX
Item (s):	All
Amount:	\$17,256.50 (yearly)
Department:	Municipal Services, Maintenance Department
Funds available:	31010326-01101-502206
Funding source:	Operating Account, Janitorial Maintenance Services Contract
Total award:	\$52,069.50

Municipal Services Department and Purchasing recommend awards as indicated as this vendor has provided the Best Value Bid Procurement.

This is a thirty-six (36) month contract with no option to extend the term of this contract.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to award Bid No. Bid No. 2004-168 Nitrile Medical Exam Gloves

Award to:	Emergency Medical Supply Shepperdsville, KY
Item (s):	#1 (all sizes)
Amount:	\$90,000.00 (estimated annually)
Department:	Fire Department
Funds available:	22010319-503112-01101
Funding source:	Fire Department Operating Funds
Total award:	\$180,000.00 (estimated)

The Fire and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Of twenty three (23) vendors who submitted bids, there were five (5) which met minimum NFPA specifications, of these five (5) bidders Emergency Medical Supply was low bidder.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

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*Motion made by Representative Cobos, seconded Representative Cushing and unanimously carried to award Bid No. 2004-177 Waterous Proprietary Parts

Award to: Special Equipment Services, Inc.
Kaufman, Texas
Item (s): #1 (all)
Amount: \$30,000.00 (estimated annually)

Department: Fire Department
Funds available: 220010320-503118-01101
Funding source: Fire Department Operating Funds
Total award: \$120,000.00 (estimated)

The Fire and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-892 AIRPORT

Transfer of funds to cover cost of parts to replace backflow units which failed inspection in the Global Reach Industrial Park area.

Increase	\$3,000	to	62620039/40101/503202	Land/Lndscp
Increase	\$3,000	to	62620039/40101/407062	Trfinfrom AP
Increase	\$3,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$3,000	to	62620018/P50000241021/507062	TrfoutfromAP

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-895 CITY ATTORNEY'S OFFICE

Due to an increase in costs associated with litigation, our budget was not sufficient to pay these expenditures through 8/31/04.

Decrease	\$100,000	from	03153020/15466/502215	Otsd Contract
Increase	\$100,000	to	03010023/01101/502109	ExtLegCouncil
Increase	\$100,000	to	03153020/15466/507003	TrftoGenFund
Increase	\$100,000	to	03010023/01101/407000	Intfd Trf (Src)

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-918 NON DEPARTMENTAL

Realignment of appropriations to set up funding for actuarial study services.

Decrease	\$15,000	from	99010273/01101/504405	Contingency
Increase	\$15,000	to	99010273/01101/502215	Otsd Cont

.....
Motion made Representative Power, seconded by Representative Cushing and carried to approve the request of Ministerios Nuevo Amanecer to hold a 4th of July parade on July 4, 2004 from 4:00 p.m. to 5:00 p.m. Route: Start at Album to Suez, turn left on Suez to Parkwood, turn left on Parkwood to Blackwood, turn left on Blackwood to Cornwall, turn right on Cornwall to Bayo, turn left on Bayo and finish at Orkney. Approximately 150 persons will take part. This request includes permission to use amplification (2 speakers, 3 microphones, 3 megaphones, 1 amplification). PERMIT NO. 04-058 [Gabriela Ortega]

AYES: Representatives Austin, Cushing, Lozano, Power, Escobar and Cobos

NAYS: Representatives Rojas

Ms. Irma Burnett, parishioner, requested that the Council waive the parade fee due to the church's indigency and added that she had provided an affidavit with submission of her parade request.

Ms. Lisa A. Elizondo, City Attorney, requested that City staff members meet with Ms. Burnet to discuss the affidavit/parade request.

The item was reconsidered and Mr. John Nance, Assistant City Attorney, explained that the affidavit submitted this morning by the applicant satisfied the requirements of Section 13.32.120 of the Municipal Code, regarding waiving of parade fees. He answered questions from and responded to comments made by the Council Members.

Representative Cushing questioned the applicant's intent for the parade as a venue to generate additional membership and revenue for the church.

Representative Power offered to utilize his discretionary funds to pay the police service for the parade. He moved to approve the parade request, make a finding of indigency and waive the fee to the applicant. Representative Rojas seconded.

Representative Austin questioned whether a finding of indigency meant that the fees would not be charged to the applicant. She questioned if it were proper to pay the fees out of Representative Power's discretionary funds.

Representative Power questioned whether the finding of indigency would then require the City to co-sponsor the event. He asked for advice from the City Attorney.

Police Assistant Chief Paul Cross explained that due to the number of 4th of July parades/events, officers would be scheduled throughout the City and the Police Department would incur no additional costs due to this church parade. Officers already would be on duty and no extra overtime would be used.

Representatives Power and Austin questioned whether the Council should amend the item to note \$0.00 in costs.

No action was taken on the discussion and action that the City of El Paso provide matching funds to El Paso MHMR (El Paso Mental Health & Mental Retardation) in the amount of \$270,000 to preserve existing service levels and to leverage federal matching funds.

Mr. Gary Larcenaire, El Paso Mental Health & Mental Retardation, gave a Powerpoint presentation (on file in the City Clerk's office) and requested that the City provide \$270,000 to compensate for the shortfall in federal funding in order that EPMHMR may continue to provide service. He answered questions from and responded to comments made by the Council Members.

Representative Cobos commented on the status of the City budget.

Representative Power expressed to the Council the great improvements to EPMHMR Mr. Larcenaire had made and requested that the Mayor and/or Council direct staff to review the proposal and to find the funds.

Mayor Joe Wardy congratulated Mr. Larcenaire on the tremendous improvements to the EPMHMR and expressed that the possibility existed the City might provide all or some of the requested monies. He thanked EPMHMR for providing training services to Police Department officers in the use of non-deadly force. He explained that recommendations would be offered during the budget hearings.

Representative Austin commented on the amount of overtime expended within the Fire and Police Departments on the handling of mentally ill people.

.....
No action was taken on the discussion and action on matters related to the Water Conservation Advisory Board with respect to the absence of reporting and accountability related to same, specifically in the area/s of responsibility as set forth, in pertinent part, "...Make reports to the legislative review committee of the city council responsible for PSB...", since there is currently in place no such legislative review committee and whether there exists any legal basis or authority for a "legislative review committee" of an independent and autonomous board.

Representative Cushing commented on inconsistencies regarding the reporting duties associated with the Water Conservation Advisory Board and recommended that City staff amend the Water Conservation Advisory Board Ordinance.

Ms. Terri Cullen-Garney, Deputy City Attorney, responded that dependent upon Council's recommendations, an Ordinance could be placed on a future agenda revising the Water Conservation Advisory Board Ordinance.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week until the Regular City Council Meeting scheduled for Wednesday, July 7, 2004 the following item:

Staff Report on Capital Improvements Program budgeting, reconciliation of general obligation bonds and certificates of obligation bonds fund balances, and recommended use of unallocated fund balances to pay contractually obligated capital projects.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week until the Regular City Council Meeting scheduled for Wednesday, July 7, 2004 the discussion & action on use of general obligation bonds and certificates of obligation bonds unallocated fund balances to pay contractually obligated capital projects as recommended by the Building & Planning Services Department.
.....

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week until the Regular City Council Meeting scheduled for Wednesday, July 7, 2004 the discussion & action on the Capital Improvements Program to (1) set the process and calendar for reviewing and prioritizing capital projects; and (2) to reaffirm the criterion to be used by the Building & Planning Services Department for recommending priority ranking for capital project submittals.

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No action was taken on the discussion of Third Quarterly Financial Report by Deputy Chief Administrative Officer William A. Chapman.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, highlighted information contained within the Third Quarterly Financial Report and answered questions from and responded to comments made by the Council Members.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week until the Regular City Council Meeting scheduled for Wednesday, July 7, 2004 the Resolution that the City accepts the dedication of a Street Right-of-Way located within a portion of Tract 1A, Block 11, Upper Valley Surveys (the extension of Gomez Road to serve Valley Creek Park), City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in the attached Exhibit "A" from Frontera Vista L.P., a Texas Limited Partnership.

.....
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the request for the Director of Purchasing to reject the bids submitted for Bid No. 2004-114, Six Man Heavy Rescue Vehicle for the Fire Department. The Purchasing Department and the Fire Department recommend re-bidding with revised specifications to add NFPA/ISO functions to the Rescue Unit. The intent is to add pumper capabilities to the rescue unit in a revised bid format. This item will be re-bid at the request of the Fire Department.

Representatives Cushing and Lozano were not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request for the Director of Purchasing to reject the bid for Solicitation No. 2004-170, "Airport Truck Mounted Striping Machine" for the Department of Aviation. The bid is being rejected for exceeding the available funding. The solicitation will be rebid in the future with revised specifications as requested by the Department of Aviation.

Representatives Cushing and Lozano were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone four (4) weeks a public hearing to determine if the property located at 6127-6135 N. Mesa Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated February 2004. The owner of this property, Karl M. Friedman, 5647 A Cory Drive, El Paso, Texas 79932, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

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ORDINANCE 15825

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE CENTRAL BUSINESS ASSOCIATION OF EL PASO, INC., TO PERMIT TEMPORARY SIDEWALK VENDING FOR PARTICIPATING MERCHANTS WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY IN DOWNTOWN EL PASO FROM JULY 4, 2004 THROUGH JULY 3, 2005.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Rojas, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Power, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cook

Council Member Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15826

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY ADDING CHURCH AS A PERMITTED USE IN CHAPTERS 20.34 (C-OP OFFICE PARK DISTRICT), 20.46 (M-1 LIGHT MANUFACTURING DISTRICT), 20.48 (M-2 HEAVY MANUFACTURING DISTRICT), 20.50 (M-3 UNRESTRICTED MANUFACTURING DISTRICT), 20.53 (U-P UNION PLAZA DISTRICT), 20.58 (P-C PLANNED COMMERCIAL DISTRICT), AND 20.60 (P-I PLANNED INDUSTRIAL DISTRICT). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, explained that the Ordinance incorporated amendments to the zoning code and the CPC (City Plan Commission) and BZAC (Building Zoning Advisory Committee had approved the amendments.

Representative Rojas asked Mr. Valdez what the safety concerns regarding churches located in industrial areas were.

Mayor Joe Wardy noted that industrial districts no longer served their manufacturing purpose and allowed churches to occupy those empty space(s).

Representative Cushing asked zoning use/conflict questions of Mr. Valdez.

Mr. Matt Watson, Assistant City Attorney, provided legal advice.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Power, seconded by Representative Rojas, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Power, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cook

Council Member Austin was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Austin moved the item to the forefront of the City Council meeting.

ORDINANCE 15827

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE 2025 PROPOSED THOROUGHFARE SYSTEM AS DETAILED IN THE MAP ATLAS OF THE PLAN FOR EL PASO AND ITS RELATED DOCUMENTS AS ORIGINALLY APPROVED BY THE EL PASO CITY COUNCIL IN 1999, AND AS SUBSEQUENTLY AMENDED, TO DELETE GOMEZ ROAD AND THE EXTENSION OF REDD ROAD ACROSS THE RIO GRANDE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation (on file in the City Clerk's office) and explained that the CPC (City Plan Commission) had recommended the deletion of Gomez Road and the extension of Redd Road across the Rio Grande from the Major Thoroughfare Plan. He noted that the DCC (Development Coordinating Committee) had recommended retaining the project, while deleting the portion west of Westside Drive, and downgrading from a major to a collector arterial between Westside Drive and Upper Valley Road, and downgrading from a major to a minor arterial between Upper Valley Road and Redd Road. He clarified that the Ordinance before the Council was to delete Gomez Road and the extension of Redd Road across the Rio Grande from the MTP (Major Thoroughfare Plan) as recommended by the CPC and explained the possible impacts associated with those deletions. He answered questions from and responded to comments made by the Council Members.

Representative Austin commented on traffic counts (as presented within the Powerpoint presentation) with/without the implementation of the Redd Road extension. She explained that the area residents were adamantly opposed to the bridge's inclusion in the Metropolitan Planning Organization's long-range plan. She commented on the Metropolitan Planning Organization's issues of air quality and moved to adopt the CPC recommendations removing Gomez Road and the extension of Redd Road across the Rio Grande from the Master Thoroughfare Plan. Representative Power seconded.

Representative Lozano requested Mr. Sarmiento provide current traffic count numbers and questioned the accuracy of the traffic count projection, stating he believed it was too high.

Mr. Sarmiento responded that the Metropolitan Planning Organization had reviewed the traffic numbers contained in the Powerpoint presentation and added that it was their feeling those numbers were too conservative.

Mayor Joe Wardy commented on the manner in which the Planning, Research and Development Department compiled estimated traffic count numbers.

Representative Cushing questioned Mr. Sarmiento regarding access to Upper Valley Park, deleting Gomez Road and possible increased traffic through nearby neighborhoods.

Mr. Valdez clarified that the neighborhood roadways would be impacted due to the limited access to Upper Valley Park, however, he explained that future right-of-way acquisitions to widen Upper Valley Road would alleviate the proposed increased traffic.

Representative Austin responded to Representative Cushing's comments and opined that the intention of the park was not as high volume usage. She commented on the costs associated with acquiring right-of-way and building a bridge across the Rio Grande.

The following individuals spoke in opposition:

Ms. Mary Frances Keisling, President of Save the Valley, Neighborhoods First Association, presented 753 letters in opposition to the 2025 Proposed Major Thoroughfare system and stated that the neighborhood would not benefit from the extension of Redd Road.

Ms. Alicia Jorgenson, Save the Valley member, gave a Powerpoint presentation (on file in the City Clerk's office) and urged the Council to support the CPC recommendations.

Ms. Louisa Gomez, citizen, explained her strong opposition to expanding Gomez Road into a 4-lane roadway and urged the Council to vote the will of the people.

Mr. Chuck Maddox, citizen and former El Paso County Judge, requested that the Council instead consider constructing freeway access roads and added that Redd Road would not alleviate the proposed future traffic. He suggested that Sunland Park extension be constructed instead.

Ms. Cathy Dominguez, citizen, requested that the Council not build a bridge across the Rio Grande.

The following individual spoke in favor:

Ms. Lisa Turner, citizen, commented on proposed growth in the area and the need for additional roadways. She requested that the Council plan for future development.

Representative Austin questioned Mr. Matt Watson, Assistant City Attorney, regarding maintaining Gomez Road from Upper Valley Road to the park entrance in a future City Plan as a street less than four lanes wide.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Austin, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cook

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance 15827 was moved to the forefront of the regular agenda.

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ORDINANCE 15828

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00061, TO ALLOW FOR INFILL DEVELOPMENT ON LOTS 3, 4 AND 5, BLOCK F, GRANDVIEW ADDITION, EL PASO, EL PASO COUNTY, TEXAS (IDALIA AVENUE), PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was opposition present at the CPC meeting.

Mr. Enrique H. Monteros, citizen, spoke in opposition to the proposed zoning change.

Representative Cushing expressed his support for infill development.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar and Cobos
NAYS: Council Member Rojas Absent: Council Member Cook

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ADDITION TO THE AGENDA

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request authorizing to allocate \$1,500.00 from District #7 Discretionary Funds to assist the Parks and Recreation Department with the three Neighborhood Youth Outreach Programs at Thomas Manor Elementary, North Loop Elementary and Ysleta Elementary for field trips. Allocation of \$500.00 for each of the three Youth Outreach Programs mentioned in District #7.

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:42 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. Discussion and Action on Enforcement of Chapter 5.54 of the City of El Paso Municipal Code.
(551.071)

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 12:00 p.m., during which time motions were made as follows:

Ms. Lisa Turner, citizen, noted that the item did not reference a lawsuit and requested that discussions regarding the El Paso Municipal Code be held in open forum.

Ms. Lisa A. Elizondo, City Attorney, clarified that the item was relative to a potential litigation and therefore appropriate for Executive Session.

No action was taken on the following executive session item:

Discussion and Action on Enforcement of Chapter 5.54 of the City of El Paso Municipal Code. (551.071)

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 12:02 p.m.

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk